

LISTING OF CLAIMS

The following listing of claims replaces all previous versions, and listings, of claims in the present application.

Claims 1-10 (Canceled).

11. (Currently amended) A vehicle navigation system that obtains a current position of a vehicle and displays a map including the current position and vicinity thereof on a display means comprising:

data storage means for storing data on categories of points of interest, and for storing data on supplemental items regarding facilities and services that are available at the points of interest in addition to respective primary facilities and services of the points of interest in a manner as a data structure that enables the data on supplemental items to be searchable regardless of the categories of points of interest, and

control means for searching for a point of interest that provides a supplemental item specified by an input from a user in a category specified by an input from a user based on the data structure stored in the data storage means ~~and;~~ and

search output means for causing only the searched point of interest to be displayed on the display means.

12. (Original) The vehicle navigation system according to claim 11, wherein the control means displays the point of interest on the display means when the point of interest is located within a predetermined distance from the current position.

13. (Original) The vehicle navigation system according to claim 11, wherein the control means searches a route to the searched point of interest and displays the route on the display means.

14. (Currently amended) A vehicle navigation system that obtains a current position of a vehicle and displays a map including the current position and vicinity thereof on a display means comprising:

data storage means for storing data on categories of points of interest, and for storing data on supplemental items regarding facilities and services that are available at the points of interest ~~in a manner~~ as a data structure that enables the data on supplemental items to be searchable regardless of the categories of points of interest; and

control means for performing a search on all stored points of interest, irrespective of categories of the points of interest, for a point of interest that provides a supplemental item specified by an input from a user based on the data stored in the data storage means; and

search output means for causing only the searched point of interest to be displayed on the display means.

15. (Original) The vehicle navigation system according to claim 14, wherein the control means displays the point of interest on the display means when the point of interest is located within a predetermined distance from the current position.

16. (Original) The vehicle navigation system according to claim 14, wherein the control means searches a route to the searched point of interest and displays the route on the display means.

17. (Currently amended) The vehicle navigation system according to ~~claim 1~~ claim 23, wherein the supplemental items comprise facilities and services available at one or more of gas stations, restaurants, convenience stores and banks.

18. (Previously presented) The vehicle navigation system according to claim 11, wherein the supplemental items comprise facilities and services available at one or more of gas stations, restaurants, convenience stores and banks.

19. (Previously presented) The vehicle navigation system according to claim 14, wherein the supplemental items comprise facilities and services available at one or more of gas stations, restaurants, convenience stores and banks.

20. (Currently amended) The vehicle navigation system according to ~~claim 1~~claim 23, wherein the supplemental items comprise one or more of a bank ATM, liquor sales, cigarette sales, a parcel delivery service, a restroom, a payment service, a ticket service, a mailbox, a bank window service and a foreign currency exchange.

21. (Previously presented) The vehicle navigation system according to claim 11, wherein the supplemental items comprise one or more of a bank ATM, liquor sales, cigarette sales, a parcel delivery service, a restroom, a payment service, a ticket service, a mailbox, a bank window service and a foreign currency exchange.

22. (Previously presented) The vehicle navigation system according to claim 14, wherein the supplemental items comprise one or more of a bank ATM, liquor sales, cigarette sales, a parcel delivery service, a restroom, a payment service, a ticket service, a mailbox, a bank window service and a foreign currency exchange.

23. (Currently amended) A vehicle navigation system that obtains a current position of a vehicle and displays a map including the current position and vicinity thereof on a display, comprising:

a data storage device ~~for storing~~ configured to store data on categories of points of interest, and ~~for storing~~ configured to store data on supplemental items regarding facilities and services that are available at the points of interest in addition to respective primary facilities and services of the points of interest in a manner as a data structure that enables the data on supplemental items to be searchable regardless of the categories of points of interest, and

a control circuit in communication with the data storage device ~~for searching and~~ configured to search for a point of interest that provides a supplemental item specified by an input from a user in a category specified by an input from a user based on the data structure stored in the data storage device, ~~and for causing the control circuit further being configured to~~ cause the searched point of interest to be displayed on the display.

REMARKS

Reconsideration of the present application is respectfully requested.

Initially, Applicants thank the Examiner for the courtesies extended to the undersigned and to Mr. Tadao Ohoka from DENSO Corporation, assignee of the rights to the present application during a personal interview and the U.S. Patent & Trademark Office on October 12, 2006, during which the merits of the presently outstanding office action were discussed.

Claims 11, 14, 17, 20 and 23 have been rejected under 35 U.S.C. 112(2) as being indefinite. Claims 17 and 20 have been amended to depend from claim 23 rather than canceled claim 1 and therefore now comply with 35 U.S.C. 112(2).

Regarding claims 11, 14 and 23, the rejection of these claims is respectfully traversed. The Examiner states that the above claims “recites (sic) ‘in a manner’; this phrase is vague in these ‘system’ claims (i.e., only comprises (sic) ‘physical’ components, or modules....”). Is the Examiner rejecting these claims under 35 U.S.C. 112(2) or, regarding claims 11 and 14, under 35 U.S.C. 112(6)? It is unclear from his above statement which section of 35 U.S.C. 112 is being applied to claims 11 and 14. Regardless, the Examiner is reminded that functional language may be used in connection with recitation of a means-plus-function element, and is referred to page 7 of the Remarks section in the Amendment filed on December 21, 2004 and pages 6 and 7 of the Remarks section in the Amendment filed on March 2, 2006. These previous remarks provide support, as set forth in the MPEP, for the use of functional language in claims 11 and 14 and set forth the reasons why the Examiner’s rejection of the present claims is deficient.

Nonetheless, in an effort to further prosecution, claims 11 and 14 have been amended to recite, *inter alia*, data storage means for storing data on supplemental items as a data structure

that enables the data to be searchable regardless of the categories of points of interest. Claim 23 has also been amended in a similar manner, albeit in non-means-plus function form. Such claim language clearly defines how the data on supplemental items is stored in the data storage means and clearly complies with 35 U.S.C. 112(2) and, regarding claims 11 and 14, 35 U.S.C. 112(6). Therefore, it is respectfully requested that the Examiner's rejection be withdrawn.

Claims 11-23 have been rejected under 35 U.S.C. 103(a) as being obvious in view of DeLorme. This rejection is respectfully traversed.

Applicants initially note that the Examiner appears to be focusing only on the recited control means (control device in claim 23) for searching and not on the data storage means (data storage device in claim 23) for storing data. As discussed in the above referenced personal interview, the Examiner is respectfully requested to consider *all* limitations recited in the claims. The Examiner is further requested to consider all limitations in their entirety. In other words, the Examiner must consider not only the limitation "data storage means for storing" but also the functional manner in which the data storage means stores the data.

Regarding claims 11 and 14, as set forth in MPEP 2183 (Rev. 3, August 2005), in examining a means- or step-plus-function limitation, the Examiner should provide an explanation as to why the prior art element is an equivalent if the prior art element (A) performs the function specified in the claim, (B) is not excluded by any explicit definition provided in the specification for an equivalent, and (C) is an equivalent of the means- (or step-) plus-function limitation. Emphasis added. The Examiner has failed to satisfy all three of these requirements up to this point in the prosecution based on the art of record.

Assuming *arguendo* that the Examiner continues to reject some or all of the pending claims, Applicants assert that any subsequent Office Action should not be a Final Rejection in

view of the above noted deficiencies in the present Office Action, and should cure the above noted deficiencies to enable prosecution to be advanced.

For purposes of clarity and to further distinguish the claimed invention from the art of record, Applicants have amended claims 11 and 14 to recite “output means for causing only the searched point of interest to be displayed on the display means.” DeLorme fails to teach or suggest such a feature. Claims 11 and 23 have been amended to further recite that the data storage means / data storage device stores data on supplemental items “in addition to respective primary facilities and services of the points of interest,” while claim 14 has been amended to recite that the control means performs a search “on all stored points of interest, irrespective of categories of the points of interest...” In addition, claims 11 and 14 have been amended to further recite search output means as a third separate component. Such features further distinguish the claimed vehicle navigation system from the system described in DeLorme. Specifically, the present invention searches and displays a point of interest based on at least a user-input supplemental item, which is different from a primary service of the point of interest.

In DeLorme, a pop-up window 156 displays a point of interest such as a special restaurant name (FIG. 1L), which is within a category (Restaurants) a user selects in a quick menu (FIG. 10). The description of the special restaurant on the pop-up window 156 only provides details of the primary service (food menu, etc.) of the displayed restaurant. Thus, DeLorme fails to teach (1) searching for a point of interest (e.g. convenience store, which has a primary service of selling foods and daily goods) that provides a restroom, ATM, etc. (supplemental facility, service) in response to a user’s input of at least a requested supplemental facility or service with or without the category of point of interest, and (2) displaying only the point of interest that provides the requested supplemental facility. Thus, DeLorme is deficient in

its teaching of searching for and displaying only the point of interest that is searched as having the supplemental item requested by the user.

Regarding the Examiner's remarks in support of his rejection of the claims in the present Office Action, Applicants note the following.

In numbered section 6A on page 3 of the Office Action, the Examiner asserts that "DeLorme et al. do not expressly disclose an exemplary situation such as a sign-board comprising an exit number and related POI..." However, these remarks are no longer relevant, as claim 1, which included language directed toward that referenced by the Examiner, was canceled without prejudice or disclaimer in the Amendment filed on August 24, 2005. Therefore, the Examiner's support for his rejection of claims 11, 14 and 23 as set forth in section 6A is without merit.

A similar situation is present in section 6B. The Examiner asserts that "the control means/circuit displays the searched exit on the display means when the point of interest is located within a predetermined distance from the distinguishable searched exit." Dependent claims 12 and 15 do not recite any limitations related to a searched exit, and claim 1 was canceled without prejudice or disclaimer. Therefore, the Examiner's support for his rejection of these claims is without merit.

Regarding section 6A in the first and second paragraphs on page 4 of the Office Action, the Examiner asserts that it would have been obvious to implement the idea of DeLorme et al.'s POI supplemental information with a supplemental item because "it helps a driver to recognize immediately which restaurant to stop for all his needs." However, Applicants assert that the art of record fails to teach or suggest at least the data storage means (data storage device in claim 23) as discussed above on page 5, and namely data storage means storing supplemental items

that are searchable regardless of POI categories. The Examiner has failed to produce a reference to support his assertion and to cure the deficiency in DeLorme regarding this feature. As the Examiner is apparently taking Official Notice regarding this feature, Applicants assert that the Examiner has not provided proper support for the officially noticed feature, and hereby request that the Examiner produce a reference or an affidavit supporting this assertion as required by MPEP 2144.03 C (Rev. 3, August 2005).

Regarding section 6B, the Examiner asserts that a gas station or a restaurant has a restroom because it is a MUST HAVE item, as a restroom is inherently included in a restaurant. The Examiner has therefore apparently taken Official Notice that all restaurants have a bathroom. Nonetheless, this point has nothing to do with the limitations recited in claims 11, 14 and 23 that the control means searches for a POI based on a user input supplemental item. The Examiner has failed to address Applicants' position that DeLorme is deficient in its teaching of such a feature.

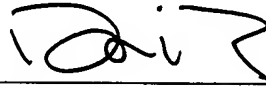
As the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claims 11, 14 and 23 in view of the above noted deficiencies in DeLorme and in the Examiner's rejection, and as claims 11, 14 and 23 have been further amended to distinguish the claimed vehicle navigation system over the system in DeLorme, it is respectfully requested that the Examiner's rejection of claims 11, 14 and 23, as well as all claims dependent thereon, be withdrawn.

Serial No. 10/769,759

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due, to Deposit Account No. 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400